IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

C.M. No. 13390 of 2006 and
C.W.P. No. 492 of 2004

Date of Decision: October 16, 2006

Dr. S.P. Sinha

…..Petitioner

Vs.

Kurukshetra University, Kurukshetra

and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. K.L. Dhingra, Advocate
for the applicant-petitioner.

Mr. S.C. Sibal, Senior Advocate with
Mr. V.S. Rana, Advocate
for the non-applicant/ respondents.

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**M.M. KUMAR, J.** (ORAL)

Notice of the application.

Mr. V.S. Rana, the briefing counsel of Mr. S.C. Sibal, Senior Advocate, who is present in Court, accepts notice.

After hearing the learned counsel for the parties, we are of the view that the earlier non-appearance of the counsel for the petitioner in the instant case is not intentional and not to gain any benefit. There are adequate reasons given in the application for restoring the case. Accordingly, the application is allowed. The writ petition is restored to its original number.

With the agreement of the parties, arguments have been heard. It is admitted position that all the dues of the petitioners have been released to him except an amount of Rs.25,000/- out of G.P.F. account. The aforementioned amount has been with-held on the ground that he has caused delay in issuing 'No Objection Certificate' to one Dr.R.L. Sharma, who has filed Civil Suit by impleading respondent University as well as petitioner as defendants No.1 and 2 respectively. The findings recorded by the civil Court in its judgment and decree dated December 22, 2001 do not show that the petitioner has been held liable for any delay in issuance of No Objection Certificate to Dr.R.L. Sharma. It is appropriate to mention that the petitioner had retired on September 30, 2000 whereas Dr.R.L. Sharma had retired on December 31, 1999. The judgment and decree passed by the trial Court has been taken on record as mark 'A'. It has been pointed out that a perusal of para 10 of the judgment would show that a committee was constituted by the Vice Chancellor consisting of Senior Officer of the University who met on June 19, 2001 in the room of the Chairman, Department of Geography and Dr. R.L. Sharma, handed over all the keys to the Committee and an inventory of the items was prepared. The document

was signed by the Registrar, Chairman of the Department of Geography, Finance Officer, along with other officers of the University. It has been concluded that the document shows that all the left keys with the plaintiff-Dr. R.L. Sharma, were handed over on that date i.e. June 19, 2001 to the Committee. There is no finding given by the civil Court holding the petitioner responsible in his individual capacity for delay in the issuance of No Objection Certificate despite the fact that the petitioner was also defendant No.2 in the aforementioned suit.

In view of the above, we find that there is no justification for the respondent University to with-hold an amount of Rs.25,000/- from the G.P.F. account of the petitioner, especially once the parties have litigated in the civil Court. Accordingly, the writ petition is partially allowed and a direction is issued to respondent No.2 to release a sum of Rs.25,000/- which is a balance amount from the G.P.F. amount. The needful shall be done within a period of one month from the date of receipt of the certified copy of the order. Nothing said herein shall affect the merits of the appeal, namely, R.S.A. No. 4795 of 2003, which is filed by the respondent University and is pending consideration against the judgment and decree dated December 22, 2001, mark 'A', as upheld by the District Judge.

(M.M.KUMAR)
JUDGE

October 16, 2006
sanjay

(M.M.S.BEDI)
JUDGE